

its specific use in gene therapy, classified in class 435, subclasses 320.1, 91.4, 325 and 455 and class 514, subclass 44;

Group II, claims 25 and 26, drawn to a genetically modified cell and its use in gene therapy, classified in class 424, subclass 93.21;

Group III, claim 27, drawn to the use of a synthetic transport entity comprising any structurally and yet unspecified FE/BE/DNA/carrier complex, classified in class 514, subclass 44; and

Group IV, claim 27, drawn to a use of a genetically modified cell in DNA-vaccination, classified in class 424, subclass 93.21.

The requirement for restriction is respectfully traversed. Reconsideration and withdrawal thereof are requested.

In response, Applicants elect the invention of Group I, claims 1-24 and 26, in order to initiate prosecution in the present application.

Traversal is based on the fact that there is no undue burden on the Examiner to consider examining the inventions of Groups I and III at the same time. In this regard, the Examiner should note that the inventions of these groups are identically classified. Thus, the requirement for restriction should be withdrawn with respect to at least Groups I and III.

Response to Election of Species Requirement

The Examiner indicates that this application contains claims directed to more than one species of the generic invention. The species are as follows:

- (a) A specifically named species of FE as recited in claims 10, 13, 22, 23 and 24.

The Examiner requires Applicants to elect a single named species as listed in the cited claims to which the claims shall be restricted if no generic claim is finally held to be allowable.

In response, Applicants elect the nuclear localization signal, NLS (i.e. see claims 13 and 23) in response to the election of species requirement. Within Group I, claims 1-9, 11-21, 23 and 26 are believed to be readable on the elected species.

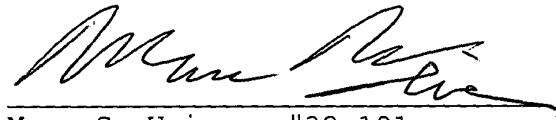
As indicated in the Office Action, the Examiner will consider other species upon allowance of the elected species. That is, upon allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By:



Marc S. Weiner, #32,181

P.O. Box 747

Falls Church, VA 22040-0747

(703) 205-8000

MSW/sh  
1291-0186P